

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2008 OCT 17 PM 2:33
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Kew
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KAREN SELDERS,

Plaintiff,

v.

SOUTHWEST KEY PROGRAM, INC

Defendant.

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Case No.: **A08CA 779LY**

COMPLAINT

COMES NOW the Plaintiff, KAREN SELDERS, by and through her undersigned counsel,
and sues the Defendant, SOUTHWEST KEY PROGRAM, INC., and states as follows:

I. INTRODUCTION

1. Plaintiff brings this action for overtime compensation under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).

II. PARTIES

2. Plaintiff, KAREN SELDER is an individual who resides in Travis County, Texas

3. Defendant, SOUTHWEST KEY PROGRAM, INC., is a non-corporation formed and existing under the laws of the State of Texas and which operates and maintains its principal place of business in Travis County, Texas.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all time pertinent to this Complaint, Defendant was an enterprise engaged in interstate commerce. At all times pertinent to this Complaint, Defendant regularly owned and operated businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, Plaintiff was individually engaged in commerce and her work was essential to Defendant's business.

5. Venue is proper in this district under 28 U.S.C. § 1391.

IV. STATEMENT OF FACTS

6. The Plaintiff has worked for Defendant since April 2007 as a case manager.

7. During one or more weeks of Plaintiff's employment, Plaintiff worked in excess of forty (40) hours ("overtime hours").

8. Defendant willfully failed to pay Plaintiff one and one-half times her regular rate of pay for the overtime hours she worked.

V. CAUSE OF ACTION - VIOLATION OF THE FAIR LABOR STANDARDS ACT

9. The acts described in the preceding paragraph violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek.

VI. DAMAGES

10. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

11. Section 216(b) of the FLSA provides that any employer who violates the statute shall be liable for unpaid overtime pay.

12. Plaintiff further seeks liquidated damages as a result of Defendant's willful failure and refusal to pay overtime in violation of Section 7 of the FLSA, 29 U.S.C. § 207.

13. Plaintiff also seeks compensation of the out of pocket expenses and costs of court she will have incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys fees under 29 U.S.C. § 216(b).

VII. PRAYER FOR RELIEF

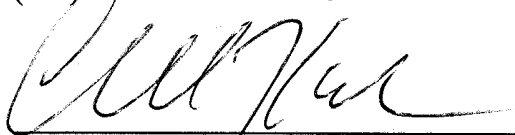
WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
2. The Court award damages to Plaintiff as specified above with Defendant;
3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

Respectfully submitted this 17 day of October, 2008,

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A handwritten signature in black ink, appearing to read 'Charles L. Scalise', written over a horizontal line.

CHARLES L. SCALISE
ATTORNEYS FOR PLAINTIFF